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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,106	07/22/2003	Tetsujiro Kondo	450100-04665	1185

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FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,106

Applicant(s)

KONDO ET AL.

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to amendment filed 05/24/06.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klopfenstein (20030051247) in view of Aoki et al. (US 20020059180) (hereafter Aoki).

Regarding claim 1, Klopfenstein discloses: a control system comprising a control apparatus and an information processing apparatus (paragraph 0029, Klopfenstein), wherein the control apparatus comprises receiving(106, fig. 1) means for receiving electronic program guide information (paragraph 0018, Klopfenstein) transmitted from the information processing apparatus(112, fig. 1);

storage means for storing the electronic program guide information received by the receiving means (stores the received information in a memory, paragraph 0018, Klopfenstein);

acquisition means for, on the basis of the electronic program guide information stored in the storage means (220, fig. 2), acquiring supplemental information (genre of program) which is associated with a program processed by the information processing apparatus and which indicates a feature of the program (paragraph 0024, Klopfenstein) ;

the information processing apparatus comprises transmission means for transmitting the electronic program guide information to the control apparatus (paragraphs 0016-0018, Klopfenstein);

However, Klopfenstein didn't disclose: calculation means for calculating an occurrence count of each item in the supplemental information as a function of a weighting factor of each item, selecting means for selecting a particular program on the basis of the supplemental information and the occurrence count of each item in the supplemental information and control means for controlling the information processing apparatus so as to record or play back the program selected by the selection means, and the information processing apparatus comprises transmission means for transmitting the electronic program guide information to the control apparatus; and record/playback means for recording or playing back the program under the control of the control apparatus. On the other hand, Marsh discloses: calculation means for calculating an occurrence count of each item in the supplemental information as a function of a weighting factor of each item (paragraphs 0079, 0080, Aoki), selecting means for selecting a particular program on the basis of the supplemental information and the occurrence count of each item in the supplemental information (0054, Aoki) and control means for controlling the information processing apparatus so as to record or play back the program selected by the selection means (paragraph 0065, 0067, Aoki), and record/playback means for recording or

playing back the program under the control of the control apparatus (paragraph 0065, 0067, Aoki)). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include calculation means for calculating an occurrence count of each item in the supplemental information as a function of a weighting factor of each item, selecting means for selecting a particular program on the basis of the supplemental information and the occurrence count of each item in the supplemental information controlling record/playback program in the system as taught by Aoki, in the system of Klopfenstein. The motivation being to provide an agent interface device capable of deciding a user preferred television program from a user usage history of a television application controllable by the application program interface and displaying the agent at a specified time before a start time of the user preferred TV program to provide the user a change of viewing an interesting TV program (0014, Aoki).

Regarding claims 2, 3, 6-8, all the limitations of these claims have been noted in the rejection of claim 1 above. Therefore, they are rejected as above.

Regarding claim 4, all the limitations of these claims have been noted in the rejection of claim 2 above. In addition, Klopfenstein/Marsh discloses: further comprising management means for managing the occurrence count of each item in the supplemental information, wherein the selection means selects a program regarded by the management means as having a high occurrence count (paragraph 0137, Marsh). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the management means as having a high occurrence count in the system as taught by Marsh, in the system of Klopfenstein. The motivation being enable the system have the recommendation

engine computes a score for each of the programs that are to be broadcast, it can be advantageous to translate each program's actual score into a relative score so that its importance to the individual users can be ascertained relative to the other programs that are to be broadcast or record (0136-0138, Marsh).

Regarding claim 5, all the limitations of these claims have been noted in the rejection of claim 4 above. In addition, Klopfenstein/Marsh discloses: wherein in the management of the occurrence count of each item in the supplemental information, the management means weights an occurrence count depending on a process performed by the information processing apparatus (paragraphs 0136-0137, Marsh).

Regarding claims 17 and 21-23, Klopfenstein discloses control apparatus, a method and a computer readable storage medium and a program executed by a computer for controlling an information processing apparatus, comprising: storage (220, fig. 2, Klopfenstein) means for storing operation history indicating an operation performed by controlling the information processing apparatus at a particular timing (paragraphs 0024, 0025, Klopfenstein); However, Klopfenstein didn't disclose: presentation means for presenting information to a user to prompt a user to select whether the same process as the process described in the operation history stored in the storage means is performed by the information processing apparatus when the timing condition described in the operation history is met; and control means for, in the case in which the process is selected to be performed on the basis of the information presented by the presentation means, controlling the information processing apparatus to perform the process at the particular timing. However, Aoki discloses: : presentation means for presenting

information to a user with allows the user to select whether the same process as the process described in the operation history stored in the storage means is to be performed by the information processing apparatus when the timing condition described in the operation history is met (paragraphs 0054-0056, Aoki); and control means for, in the case in which the process is selected to be performed on the basis of the information presented by the presentation means, controlling the information processing apparatus to perform the process at the particular timing (0058, Aoki). The motivation being to provide an agent interface device capable of deciding a user preferred television program from a user usage history of a television application controllable by the application program interface and displaying the agent at a specified time before a start time of the user preferred TV program to provide the user a change of viewing an interesting TV program (0014, Aoki).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Klopfenstein/Aoki discloses: wherein the operation history is history of viewing programs or history of recording programs (paragraph 0054, Aoki).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Klopfenstein/Aokie discloses: wherein the storage means stores the operation history in relation to identification information (paragraph 0024, Klopfenstein); the control apparatus further comprises input acceptance means for accepting input of the identification information; and the presentation means presents the information when the timing condition, described in the operation history stored in relation to the identification information accepted by the input acceptance means, is met (paragraph 0054, Aoki).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Klopfenstein/Aoki discloses: wherein when an operation history registration mode is selected, the storage means stores, as the operation history, data indicating a process performed by the information processing apparatus and a timing of the process (paragraphs 0054, Aoki).

Regarding claims 21-23, all the limitations of these claims have been noted in the rejection of claim 17 above. Therefore, they are rejected as above.

Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (US 20030237093) in view of in view of Vallone et al. (US 6642939) (Vallone).

Regarding claim 9, Marsh discloses: A control apparatus for controlling an information processing apparatus, comprising: selection means for allowing a specific user, with identification, to select from a list of commands, particular process and from a list of occurrences, (paragraphs 0146-0048, 0175-0179, Marsh), a timing of performing the particular process (0102-0106, Marsh) storage means for storing data indicating a timing of controlling (the time to performed running time attribute in content description file) the information processing apparatus to perform a particular process and data indicating the particular process to be performed, as a function of the identification (the time to performed running time attribute in content description file);

input acceptance means for accepting input of the identification information (paragraph 0156, 0157, Marsh);

However, Marsh didn't disclose: control means for controlling the information processing apparatus to perform the particular process when the timing condition stored in the storage means in relation to the identification information accepted by the input acceptance means is met. On the other hand, Vallone discloses: control means for controlling the information processing apparatus to perform the particular process when the timing condition (programs is scheduled on live TV) stored in the storage (stored on the storage device 710) means in relation to the identification information accepted by the input acceptance means is met (col. 22, lines 25-53, Vallone). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include control means for controlling the information processing apparatus to perform the particular process when the timing condition stored in the storage means in relation to the identification information accepted by the input acceptance means is met in the system as taught by Vallone, in the system of Klopfenstein. The motivation being enabling the user navigates through the program schedule information by the remote control selecting interesting channel number for watching.

Regarding claims 14-16, all the limitations of these claims have been noted in the rejection of claim 9 above. Therefore, they are rejected as above.

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Marsh/Vallone discloses: wherein the timing is when a specified date/time is reached, or when a commercial break occurs, or when a specified genre of a program is broadcast (col. 22, lines 32-53, Vallone).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Marsh/Vallone discloses: wherein the content of the process is switching of a channel, turning on/off of power, or zapping (col. 22, lines 32-53, Vallone).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Marsh/Vallone discloses: further comprising presentation means for presenting the timing and the content of the process stored in the storage means (col. 23, lines 18-30, Vallone), when the input of the identification information is accepted by the input acceptance means (when channel is selected) , wherein the control means controls the information processing apparatus to perform a process selected from processes presented by the presentation means when a selected timing condition is met (col. 23, lines 18-61, Vallone).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Marsh/Vallone discloses: further comprising setting acceptance means for accepting setting of timing and a content of the process, wherein the storage means stores data indicating the timing and the content of the process accepted by the setting acceptance means (col. 23, lines 18-61, Vallone).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4161. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
July 28, 2006



FRANTZ COBY
PRIMARY EXAMINER